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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/752,876      | 12/28/2000  | Malcolm M. Smith     | 062891.0423         | 9414             |

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| 5073                  | 7590 | 05/08/2007 |
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|                 |  |
|-----------------|--|
| EXAMINER        |  |
| HAN, CLEMENCE S |  |

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 2616     |              |

|                   |               |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
| 05/08/2007        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/752,876             |  | SMITH, MALCOLM M.   |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Clemence Han           |  | 2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-3, 5-12, 14-20, 22, 23 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Magret et al. (US 6,804,221).

Regarding to claim 1, Magret teaches a system for distributing packets for communication to a mobile unit comprising: a mobile unit 200 having a device identifier (Column 11 Line 38-39) and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier (Column 11 Line 22-23); a mobility manager 230 operable to determine a multicast address for the mobile unit based on the device identifier (Column 12 Line 31-32), to receive multicast address requests 112 that include the device identifier, and to communicate the multicast address responsive to the multicast address requests 127; a

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foreign agent 220 in the foreign network, the foreign agent operable to detect the mobile unit (Column 11 Line 25-32), to determine the device identifier for the mobile unit (Column 11 Line 38-39), to communicate 112 a request including the device identifier to the mobility manager 230, to receive 127 the multicast address from the mobility manager 230, and to register for a multicast group identified by the multicast address (Column 12 Line 36-37); and a home agent 240 operable to receive IP packets addressed to the mobile unit (Column 13 Line 50-53), to determine the multicast address associated with the mobile unit (Column 13 Line 50-53), to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address (Column 13 Line 58-60), and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network (Column 13 Line 63-64).

Regarding to claim 2, Magret teaches the device identifier as at least one of a mobile identification number (MIN) for the mobile unit and an equipment serial number (ESN) for the mobile unit (Column 2 Line 55-57).

Regarding to claim 3, Magret teaches the foreign agent is further operable to receive the multicast packets from the packet network, to extract the IP packets from the multicast packets, and to communicate the IP packets to the mobile unit (Column 13 Line 61-64).

Regarding to claim 5, Magret teaches the home agent 240 determines the multicast address by communicating a request including the IP address of the mobile unit to the

mobility manager and receiving the multicast address from the mobility manager responsive to the request (Column 18 Line 58-65).

Regarding to claim 6, 14, 22 and 25, Magret teaches a method for registering to receive packets comprising: determining a device identifier for a mobile unit 200 (Column 11 Line 38-39), the mobile unit having an internet protocol (IP) address comprising a subnet identifier for a remote network (Column 11 Line 22-23); communicating a request 112 for a multicast address associated with the mobile unit, the request including the device identifier; receiving the multicast address 127; and registering for a multicast group identified by the multicast address (Column 12 Line 36-37).

Regarding to claim 7, 15, 23 and 26, Magret teaches receiving multicast packets addressed to the multicast address, wherein the multicast packets contain information for communication to the mobile unit (Column 13 Line 50-53).

Regarding to claim 8, 16 and 27, Magret teaches the information in the multicast packets comprising IP packets addressed to the IP address for the mobile unit (Column 13 Line 58-60).

Regarding to claim 9, 17 and 28, Magret teaches the information in the multicast packets comprises voice information (Column 9 Line 3-4).

Regarding to claim 10, 18 and 29, Magret teaches the multicast group comprises a plurality of foreign agents 220 each receiving multicast packets containing information for communication to the mobile unit (Column 13 Line 61-64).

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Regarding to claim 11, 19 and 30, Magret teaches each of the foreign agents receiving the multicast packets communicates the information from the multicast packets to facilitate handoff of the mobile unit 115.

Regarding to claim 12, 20 and 31, Magret teaches the device identifier as at least one of a mobile identification number (MIN) for the mobile unit and an equipment serial number (ESN) for the mobile unit (Column 2 Line 55-57).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4, 13, 21, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magret et al. (US 6,804,221) in view of Kim (US Patent 6,070,075).

Regarding to claim 4, Magret teaches a system for distributing packets for communication to a mobile unit comprising: a mobile unit 200 having a device identifier (Column 11 Line 38-39) and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier (Column 11 Line 22-23); a mobility manager 230 operable to determine a multicast address for the mobile unit based on the device identifier (Column 12 Line 31-32), to receive multicast address requests 112 that include the device identifier, and to

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communicate the multicast address responsive to the multicast address requests 127; a foreign agent 220 in the foreign network, the foreign agent operable to detect the mobile unit (Column 11 Line 25-32), to determine the device identifier for the mobile unit (Column 11 Line 38-39), to communicate 112 a request including the device identifier to the mobility manager 230, to receive 127 the multicast address from the mobility manager 230, and to register for a multicast group identified by the multicast address (Column 12 Line 36-37); and a home agent 240 operable to receive IP packets addressed to the mobile unit (Column 13 Line 50-53), to determine the multicast address associated with the mobile unit (Column 13 Line 50-53), to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address (Column 13 Line 58-60), and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network (Column 13 Line 63-64). Magret, however, does not teach the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold. Kim teaches the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold (Column 3 Line 1-5). It would have been obvious to one skilled in the art to modify Magret to have the foreign agent detect the mobile unit by determining the signal strength as taught by Kim in order to carry out hard handoff (Column 3 Line 1).

Regarding to claim 13, 21, 24 and 32, Magret teaches a method for registering to receive packets comprising: determining a device identifier for a mobile unit 200

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(Column 11 Line 38-39), the mobile unit having an internet protocol (IP) address comprising a subnet identifier for a remote network (Column 11 Line 22-23); communicating a request 112 for a multicast address associated with the mobile unit, the request including the device identifier; receiving the multicast address 127; and registering for a multicast group identified by the multicast address (Column 12 Line 36-37). Magret, however, does not teach the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold. Kim teaches the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold (Column 3 Line 1-5). It would have been obvious to one skilled in the art to modify Magret to have the foreign agent detect the mobile unit by determining the signal strength as taught by Kim in order to carry out hard handoff (Column 3 Line 1).

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.



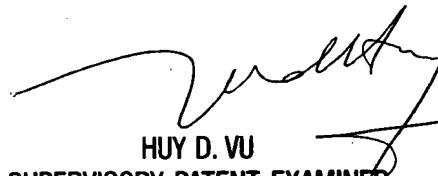
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. H.

Clemence Han  
Examiner  
Art Unit 2616

  
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